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APR 26 2000

GEORGE T. MARCOU
KILPATRICK STOCKTON
SUITE 800
700 THIRTEENTH STREET NW
WASHINGTON, DC 20005

In re Application of
Charles HASKINS (deceased)
Application No.: 09/381,243
PCT No.: PCT/US98/03800
Int. Filing Date: 17 March 1998
Priority Date: 18 March 1997
Attorney Docket no.: CITI0058-US
For: METHOD AND SYSTEM FOR
ESTABLISHING, MONITORING, AND
RESERVING A GUARANTEED
MINIMUM VALUE RETURN ON
SELECT INVESTMENTS

DECISION ON
37 CFR 1.42 PAPERS

This is a decision on the submission under 37 CFR 1.42 filed in the Patent and Trademark Office (PTO) on 21 January 2000 in response to a Notification of Missing Requirements mailed 05 November 1999.

Applicant filed the response to the Notification of Missing Requirements on 21 January 2000, more than one month after the time period set out in the Notification, requiring a two month extension of time. Per applicant's authorization, an extension of time for two months will be charged to deposit account no. 11-0855 since the two month extension of time is necessary. Applicant's request for an extension of time filed on 21 January 2000 is granted.

BACKGROUND

On 05 November 1999, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath/declaration and a surcharge were required. The notification set a one-month time period in which to respond. Extensions of time were available under 37 CFR 1.136(a).

On 21 January 2000, in order to satisfy the requirement that an oath or declaration of the inventors be furnished, applicant filed a declaration that was signed by Marilyn Haskins as executor for inventor Charles Haskins (deceased) and a petition and fee for a 1 month extension of time. The submission has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

Pursuant to 37 CFR § 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

Furthermore, with regard to 37 CFR 1.42, §1.44 provides that proof of the power or authority of the legal representative must be recorded in the Patent and Trademark Office or filed in the application before the grant of a patent.

The above application and papers have been reviewed and have been found in compliance with 37 CFR §§1.42.

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application is being forwarded to the National Stage Processing Division for further review and processing. The combined declaration and power of attorney filed 21 January 2000 is acceptable under 37 CFR 1.42. The 35 U.S.C.371(c) and 102(e) date for this application is 21 January 2000.

It is noted that proof of the authority of the legal representative in compliance with 37 CFR 1.44 is not required at this time but MUST be submitted before the grant of a patent.



Leonard E. Smith
Legal Examiner
PCT Legal Office

CMK/LES:cmk



Cynthia M. Kratz
Petitions Attorney
PCT Legal Office

Telephone: (703) 306-5467
Facsimile: (703) 308-6459